

Appl. No. 10/760,384
Amendment dated: May 23, 2006
Reply to OA of: January 24, 2006

The Official Action urges that Lovoi discloses all of the elements of the anode plate recited in claim 1, including a substrate, an anode conductive layer, an interspacing conductive band having a plurality of internal gaps, and a fluorescent layer. In support for the position that Lovoi discloses each of these elements, the Official Action cites column 14, lines 15-25 and reference number 54 in Figures 3 and 4. Applicants respectfully submit that a careful examination of these portions of Lovoi and the Lovoi reference in its entirety reveals that Lovoi does not disclose each and every element of the presently claimed invention.

First, Applicants respectfully submit that Lovoi fails to disclose a substrate as claimed in the present application. With reference to Figures 1 and 2 (which are described by the portions of Lovoi cited in the Official Action), there is illustrated a face plate 12 and a back plate 16. Lovoi discloses that the face plate 12 is the anode of the system (col. 14, lines 19-20). Therefore, rather than disclosing an anode conductive layer formed on a substrate as claimed in the application, Lovoi only discloses a face plate wherein the entire face plate serves as the anode. The face plate is not formed on a substrate, and therefore it cannot be properly asserted that Lovoi discloses a substrate. Rather, Lovoi only discloses an anode conductive layer in the form of the face plate 12. Because Lovoi clearly fails to disclose this element of the claimed invention, Applicants respectfully submit that a proper §102(b) rejection according to the guidelines set forth in MPEP §2131 has not been established. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Secondly, Applicants respectfully submit that Lovoi fails to disclose an anode conductive layer formed on a substrate. As discussed above, no substrate is disclosed in Lovoi. The entire face plate 12 comprises the anode in the Lovoi reference, and the entire face plate is not formed on a substrate. Accordingly, Lovoi also fails to disclose this feature of the claimed invention. Applicants therefore request that this rejection be withdrawn.

Finally, Applicants respectfully submit that Lovoi fails to disclose an interspacing conductive band having a plurality of internal gaps. The Official Action cites reference

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number 54 in Figures 3 and 4 in support of this position that Lovoi discloses an interspacing conductive band having a plurality of internal gaps. As seen in Figure 3, Lovoi discloses several individual conductive traces that are aligned parallel to each other. In the describing Figure 4, Lovoi states that layer 50a may have a conductive trace or a series of parallel traces. Therefore, Applicants respectfully submit that Lovoi does not disclose a interspacing conductive band, but rather discloses individual conductive traces wherein each individual trace does not possess internal gaps as claimed in the instant application. There is absolutely no disclosure in Lovoi that each conductive trace 54 has internal gaps contained therein. To the contrary, the present application clearly claims a band that has internal gaps within the band. This is shown in, e.g., Figure 2B of the instant application. The interspacing conductive band is the entire area between the electrically conductive layer 5, and includes both the area labeled with diagonal lines and the area with no markings. The area with no markings represents the internal gaps in the interspacing band and is clearly different than multiple conductive traces aligned in parallel as disclosed in Lovoi. The conductive traces do not have gaps internal to the conductive traces, but rather have spaces external to the conductive traces (i.e., in between each parallel conductive trace). Accordingly, Applicants respectfully submit that Lovoi clearly fails to disclose this element of the claimed invention. Therefore, Applicants respectfully request that this rejection be withdrawn.

Because Lovoi fails to disclose at least these three elements of claim 1, Applicants respectfully submit that Lovoi is incapable of properly supporting a §102(b) rejection according to the guidelines set forth in MPEP §2131. As claims 3-5 depend from claim 1, and therefore incorporate all of the limitations recited in claim 1, Lovoi clearly fails to disclose every element of claims 3-5. Therefore, Applicants respectfully request that the §102(b) rejection of claims 1 and 3-5 over Lovoi be withdrawn.

The rejection of claims 2, 9-14, 16 and 19 under 35 U.S.C. §103(a) as being unpatentable over Lovoi and the rejection of claims 6 and 15 under 35 U.S.C. §103(a) as being unpatentable over Lovoi in view of Shichao et al. (US Pat. No. 5,565,742) have

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been carefully considered but are most respectfully traversed in light of the following comments.

Applicants wish to direct the Examiner's attention to the basic requirements of a prima facie case of obviousness as set forth in the MPEP § 2143. This section states that to establish a prima facie case of obviousness, three basic criteria first must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Section 2143.03 states that all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants also note MPEP §2143.01, which states in part that, if a proposed modification would render the prior art invention unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Applicants also most respectfully direct the Examiner's attention to MPEP § 2144.08 (page 2100-114) wherein it is stated that Office personnel should consider all rebuttal argument and evidence presented by applicant and the citation of In re Soni for error in not considering evidence presented in the specification.

First, with respect to claims 2 and 6, Applicants note that these claims depend from claim 1 and therefore incorporate all of the limitations of claim 1. As discussed

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above, Lovoi clearly fails to disclose several elements of claim 1. Further, Applicants respectfully submit that Shichao fails to remedy any of deficiencies in Lovoi identified above. Therefore, as neither Lovoi nor Shichao, either standing alone in or in combination, disclose or suggest every element of claims 2 and 6, Applicants respectfully request that the §103(a) rejection of claims 2 and 6 be withdrawn.

With respect to claim 9, the Official Action urges that Lovoi discloses several elements of the claim 9, including a cathode plate, an anode plate having an electrically conductive layer and a fluorescent layer formed thereon, wherein the electrically conductive layer is composed of an anode layer and an interspacing conductive band, a side frame mounted on the joints where the cathode plate and the anode plate are bonded together and an adhesive layer between the cathode plate and side frame and the side frame and the anode plate. In support for the position that Lovoi discloses each of these elements, the Official Action cites column 14, lines 5-35 and reference number 54 in Figures 3 and 4. Applicants respectfully submit that a careful examination of these portions of Lovoi and the Lovoi reference in its entirety reveals that Lovoi does not disclose each and every element of the presently claimed invention.

Primarily, Applicants respectfully submit that Lovoi fails to disclose an anode plate having an electrically conductive layer formed thereon, wherein the electrically conductive layer is composed of an anode conductive layer and an interspacing conductive layer. As explained previously, the anode conductive layer in Lovoi is the face plate 12 as clearly explained at, e.g., col. 14, lines 19 and 20. In this instance, the face plate may conceivably be interpreted as the anode plate or the anode conductive layer, but not both. If the face plate 12 is deemed to be the anode plate, then Lovoi fails to disclose an additional electrically conductive layer that comprises a anode conductive layer. If the face plate is deemed to be the anode conductive layer, then Lovoi fails to disclose an anode plate. The presently recited claims clearly set forth that the anode plate and the anode conductive layer are separate and distinct, as the anode conductive layer is part of an electrically conductive layer that is formed on the anode layer. However, Lovoi makes no such disclosure of an anode conductive layer formed on an

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anode plate. Accordingly, Applicants respectfully submit that Lovoi fails to disclose or suggest this element of the claim 9. Therefore, it is respectfully requested that this rejection be withdrawn.

Secondly, Applicants respectfully submit that Lovoi clearly fails to disclose an electrically conductive layer that comprises an interspacing layer and an anode conductive layer. The Official Action relies upon the conductive traces 54 as representing the interspacing layer. However, it is clear that the conductive traces 54 disclosed in Lovoi do not also comprise an anode conductive layer. The function of an anode is served by the face plate 12 in Lovoi, and therefore the conductive traces 54 clearly do not comprise both an interspacing conductive layer and an anode conductive layer. Accordingly, Applicants respectfully submit that Lovoi fails to disclose or suggest this element of claim 9. Applicants respectfully submit that Lovoi is incapable of properly supporting a §103(a) rejection according to the guidelines set forth in MPEP §2143 and this rejection should therefore be withdrawn.

Finally, Applicants note that while the present claims recite that the anode conductive layer is sandwiched between the fluorescent layer and anode plate, Lovoi fails to disclose this feature. Lovoi discloses that back surface of the face plate 12 is phosphorous-coated. However, there is clearly no mention of an anode conductive layer sandwiched between the anode plate and phosphorus coating. If the Official Action deems the anode plate to be the anode conductive layer, then this feature is not disclosed. If the Official Action deems the conductive traces to be the anode conductive layer, then this feature is not disclosed. Accordingly, the Lovoi reference clearly fails to disclose or suggest this feature of the claimed invention and it is therefore respectfully requested the rejection be withdrawn.

Because Lovoi fails to disclose or suggest at least these three elements of claim 9, Applicants respectfully submit that Lovoi is incapable of properly supporting a §103(a) rejection according to the guidelines set forth in MPEP §2143. Further, Applicants respectfully submit that the Shichao reference fails to remedy any of deficiencies in Lovoi identified above. Therefore, as neither Lovoi nor Shichao, either standing alone

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in or in combination, disclose or suggest every element of claim 9, Applicants respectfully request that the §103(a) rejection of claim 9 be withdrawn.


As claims 10-16 and 19 depend from claim 9, and therefore incorporate all of the limitations recited in claim 9, Lovoi and Shichao clearly fail to disclose or suggest every element of claims 10-16 and 19. Therefore, Applicants respectfully request that the §103(a) rejection of claims 10-16 and 19 over Lovoi or Lovoi and Shichao be withdrawn.

Finally, with respect to claim 5 and 14 of the present application, the Official Action urges that Lovoi discloses at col. 8, lines 1-10 that the interspacing conductive bands further comprise a metal layer and/or a metal oxide layer. However, as is clearly indicated at col. 8, lines 1-10, the addressing grid contains metal oxide and/or metal. The addressing grid in Lovoi is not the conductive traces which the Official Action urges disclose an interspacing conductive layer. The conductive traces are represented by reference numeral 54, while the addressing grid is represented by reference numeral 35 (see, e.g., col. 14, line 35). Accordingly, the conductive traces do not have metal oxide or metal and therefore it cannot be properly asserted that Lovoi discloses this element of the claimed invention. Applicants therefore request that the rejection of claims 5 and 14 as being anticipated by or as being obvious over Lovoi be withdrawn.

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In view of the above comments, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,
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